

Trade Policy, Investment and Migration

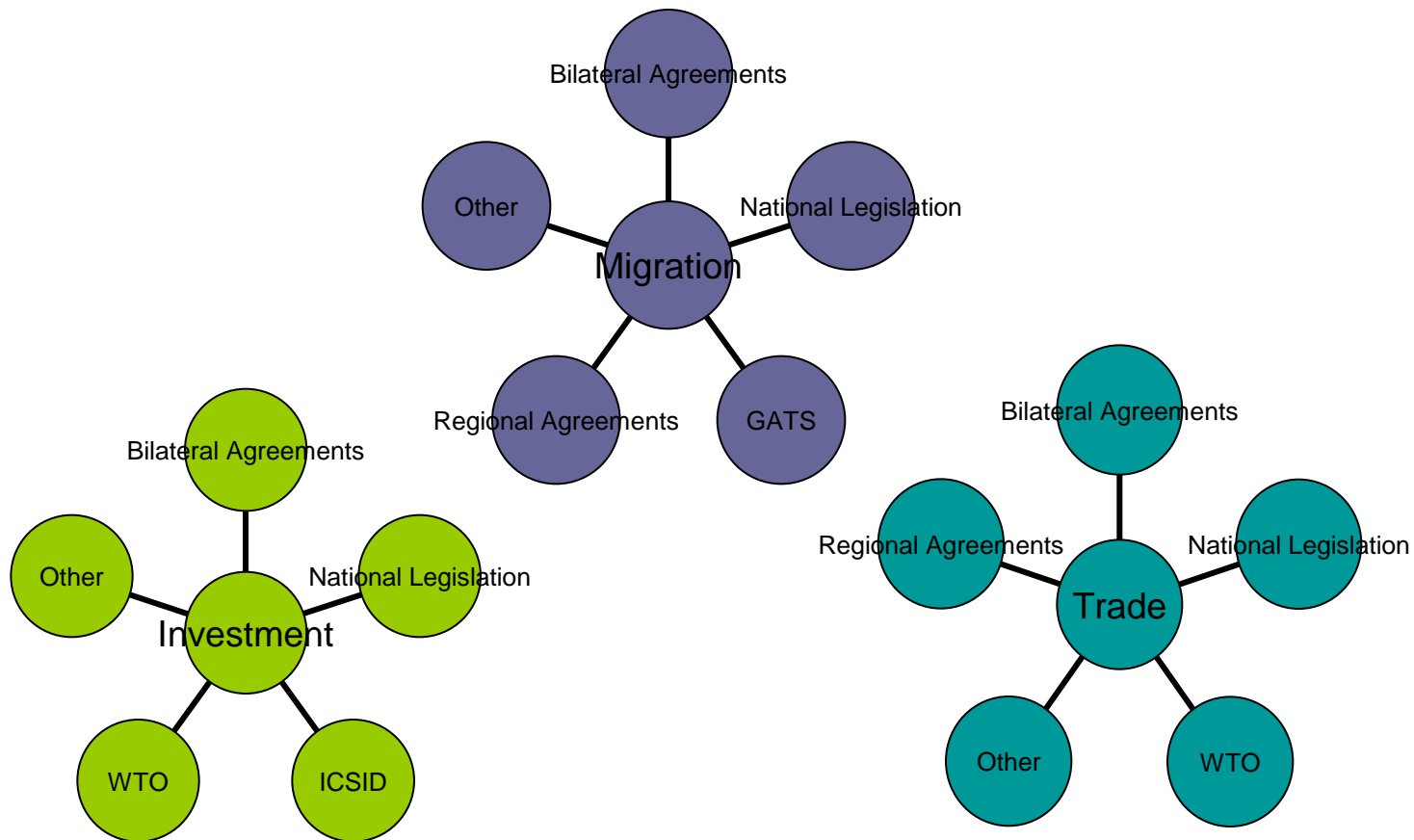
The Liberalisation Paradigm

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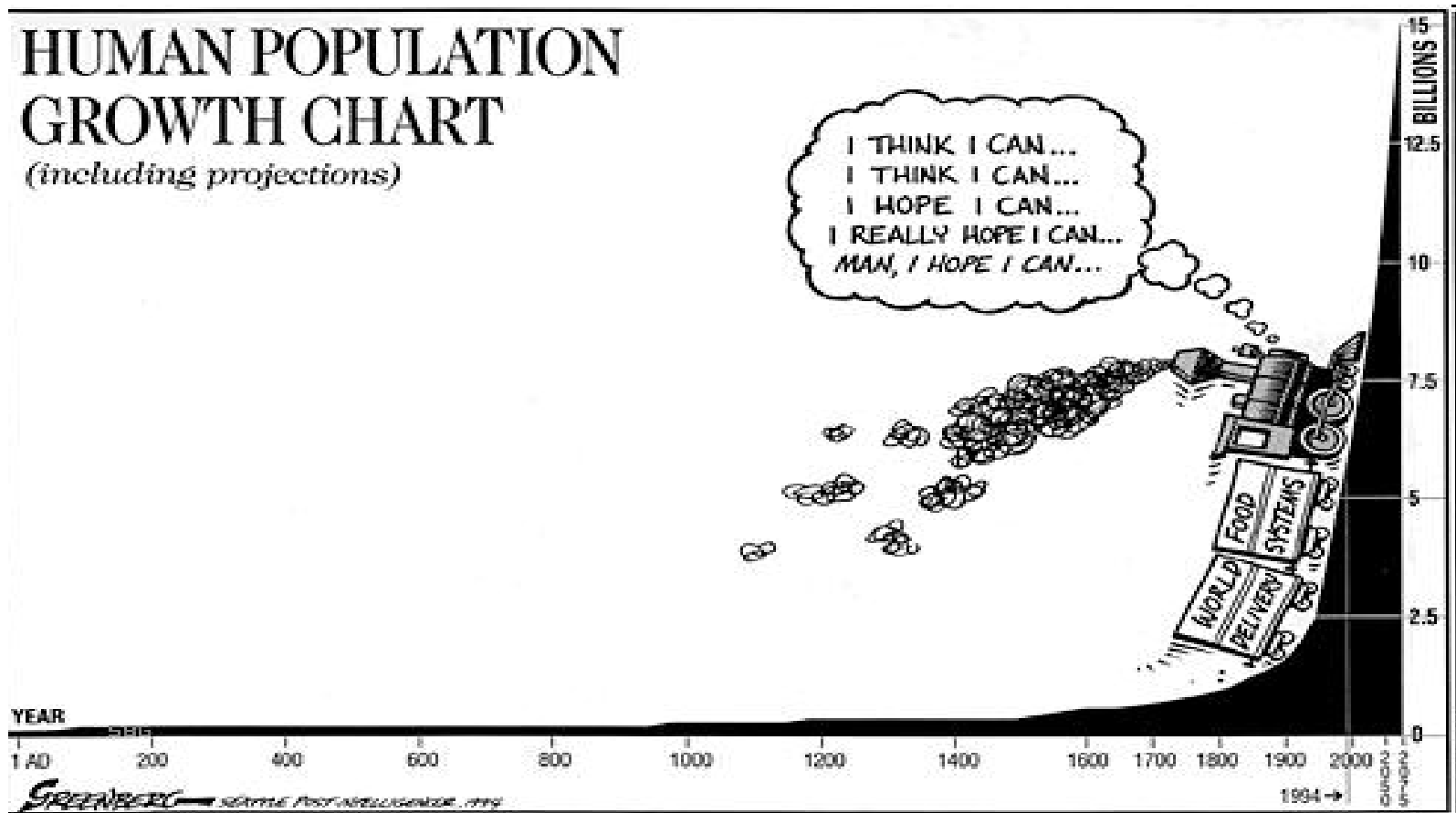
„Markets for Migration and Development“
Global Forum on MIGRATION & DEVELOPMENT
13-15 September 2011, Bern

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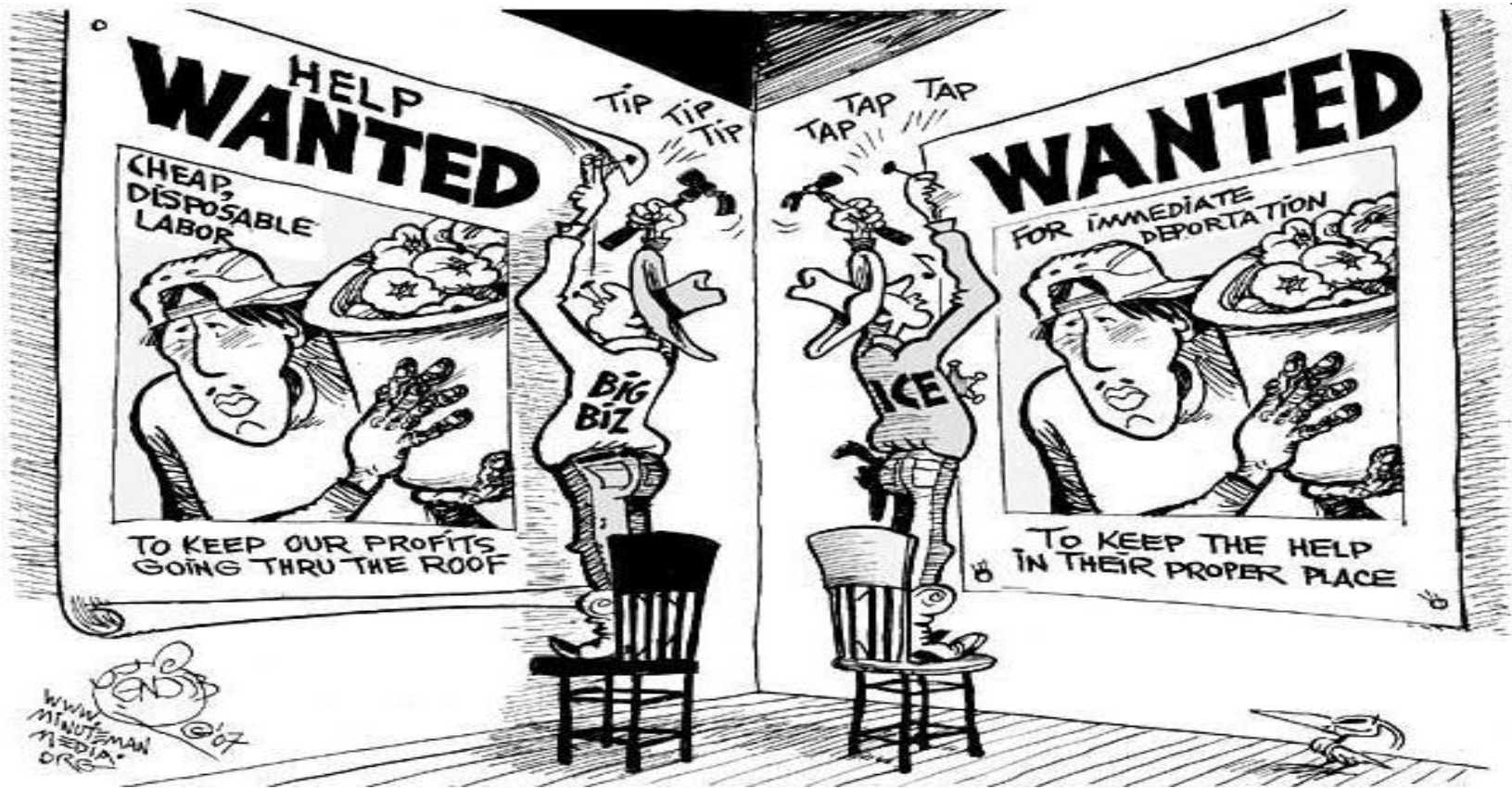
Fragmentation



The Challenge



The Liberal Paradox



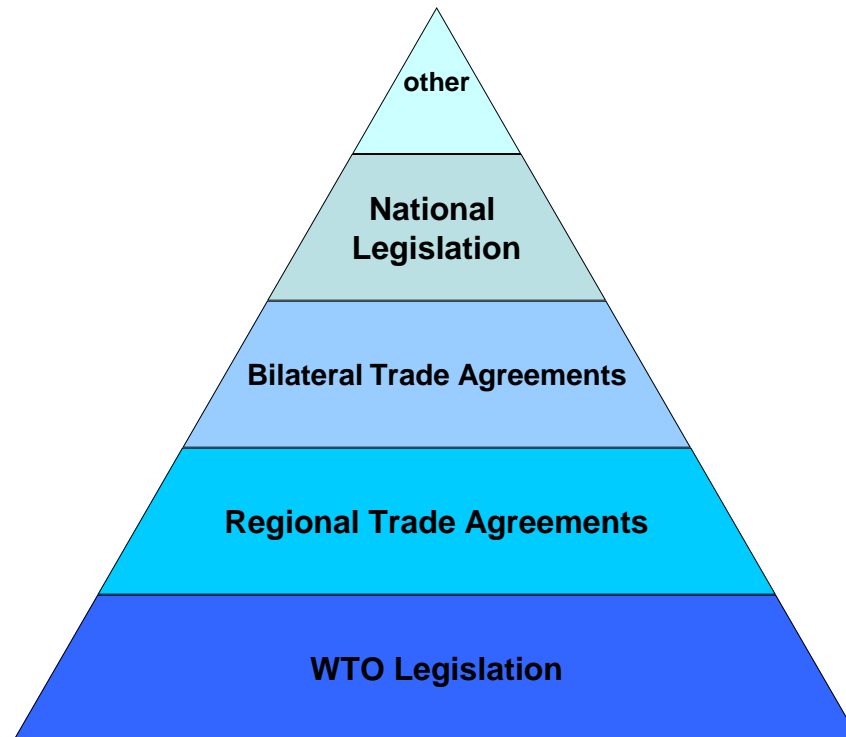
http://stkarnick.com/blog2/2008/04/post_118.html

Thinking Outside the Box



<http://jrempel.wordpress.com/2011/04/21/creative-thinking-inside-the-box/>

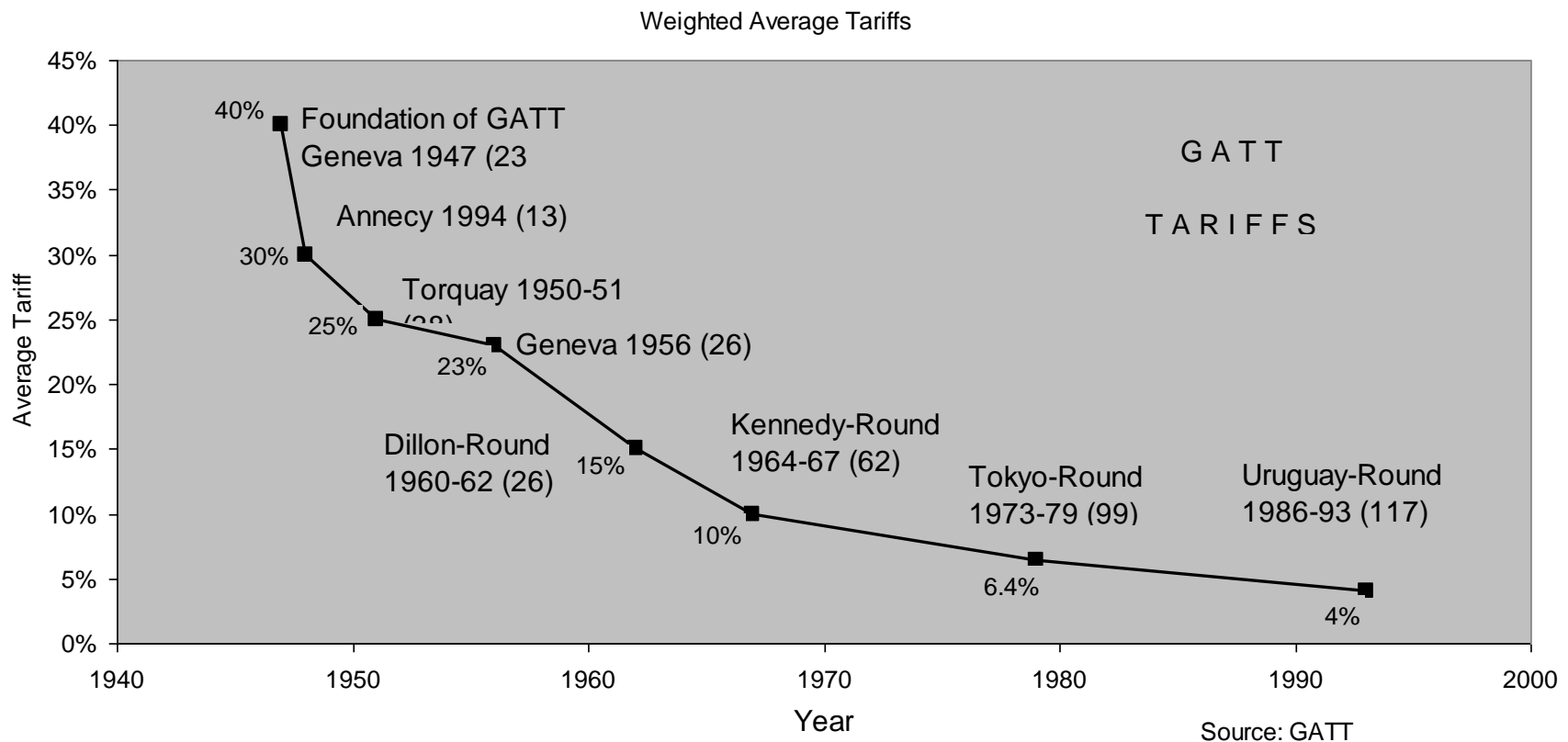
TRADE



Short Introduction to WTO System

- The WTO (1995) results from an ever increasing complexity of successive agreements and dispute settlement practices
- The WTO provides common structure to GATT 95, GATS and TRIPs and Dispute Settlement (DSU)
- Other than for DSU, it did not fundamentally alter the traditions of GATT
- The Doha Development Agenda (2001-****)

Tariff Reductions in the Industrial Sector (Developed Countries)



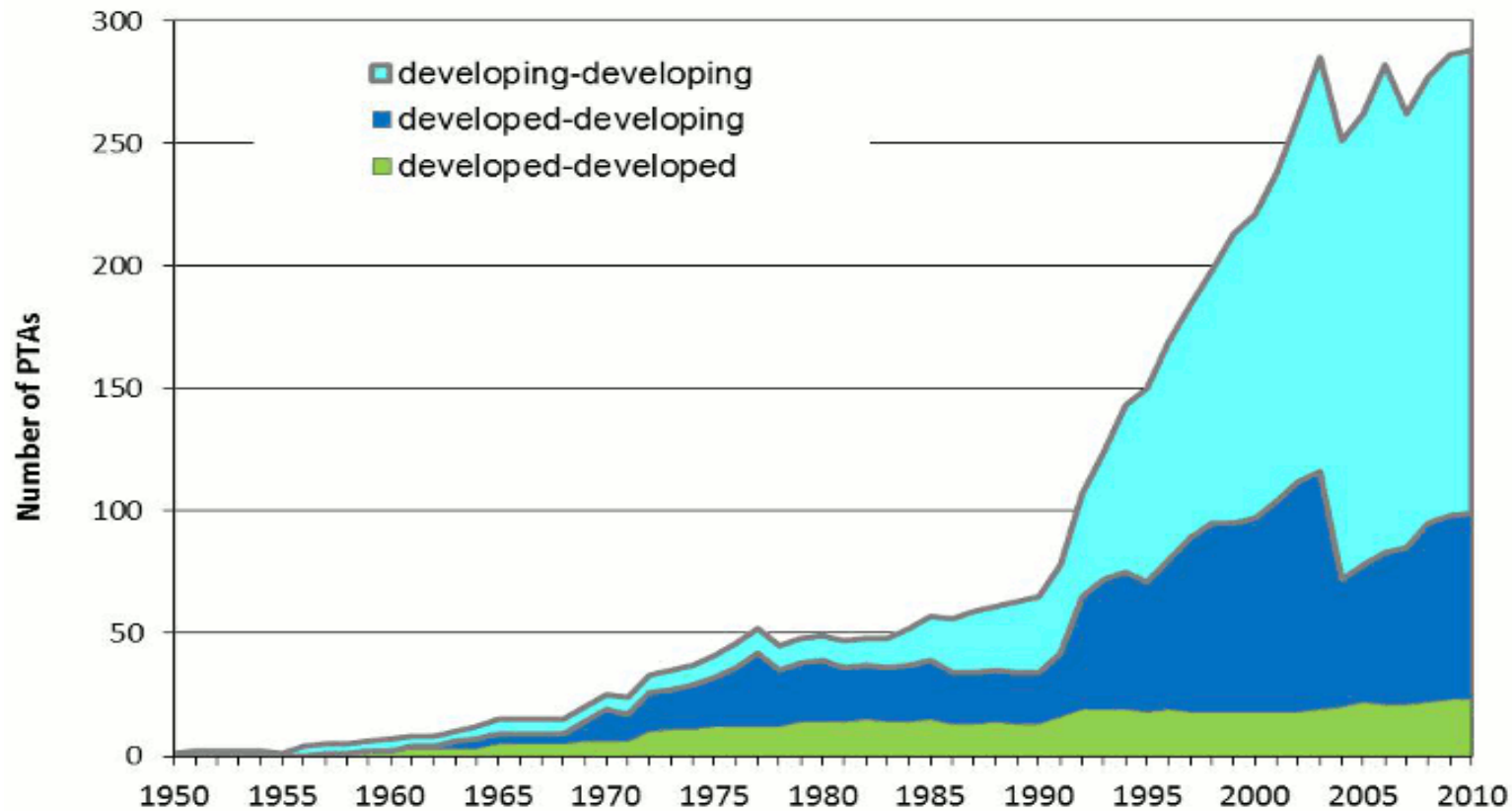
Principles of Multilateral Trade Regulation

- Non-discrimination (MFN, National Treatment)
- Progressive Liberalisation of Goods and Services
- Protection of Intellectual Property
- Transparency
- Consensus in Decision-Making
- Binding Dispute Settlement and Enforcement

Eight Rounds (1947-1993)

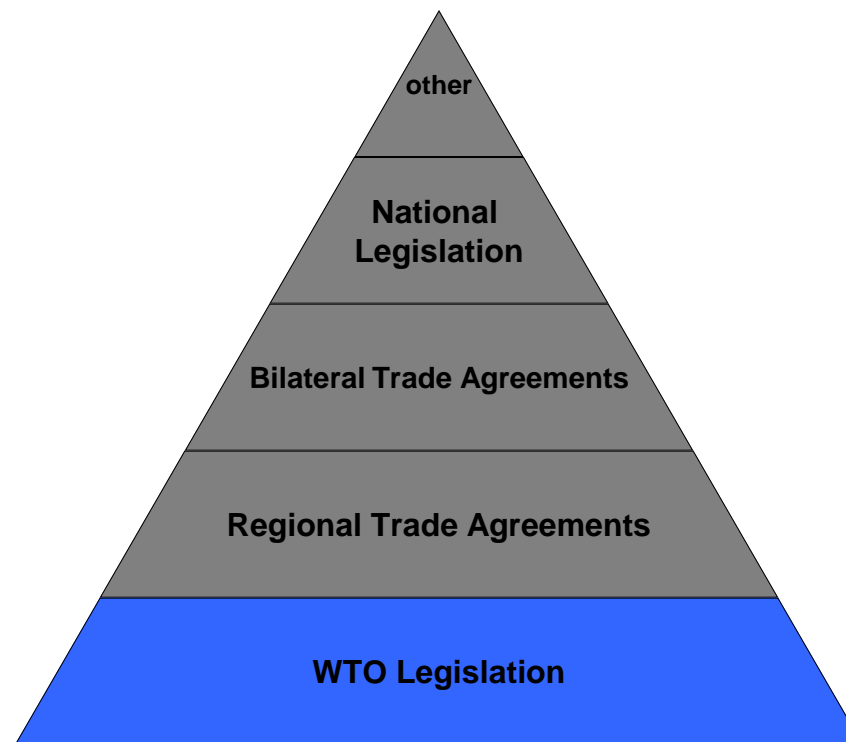
- Overall Tariff Reduction from 40% ad valorem to 4% world wide
- Addressing second generation trade barriers
 - Technical barriers to trade
 - Subsidies, Anti-dumping disciplines
- Addressing third generation barriers to trade in domestic regulations in Uruguay Round
 - Services, Intellectual Property, Agricultural Domestic Support Levels

Number of Preferential Trade Agreements World Wide



Source: WTO secretariat and <http://voxeu.org/index.php?q=node/6777>

Relevant Aspects of Trade Policy for Migration: Global



Revisiting GATT

- Enhancing Market Access for Agricultural Products by Industrialised and Emerging Economies
- Tariff Reduction and Tariff Escalation
- Limiting Non-tariff Barriers
- Labelling (fair trade)
- Textiles

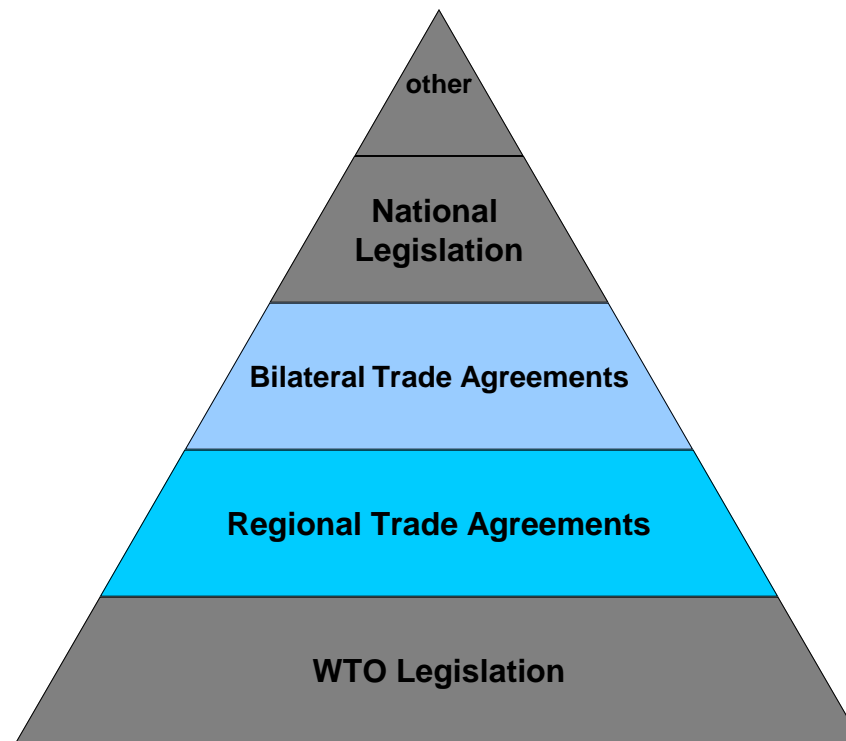
Revisiting GATS

- Revisiting Mode 4
 - Binding Visa-Fast Track Procedure
 - Multilaterally agreed Criteria for Non-Formal Qualifications?
 - Extension to Low-Skilled Labour?
 - Modes of Graduation
- Multilaterally agreed System of Limited Working Permission?

Revisiting other WTO Agreements

- Local Content Requirements
 - TRIMs Agreement (NT)
 - GPA (Agreement on Government Procurement)
- Knowledge-Transfer
 - TRIPs Agreement Art. 66:2 (tax breaks)
- Modes of Graduation

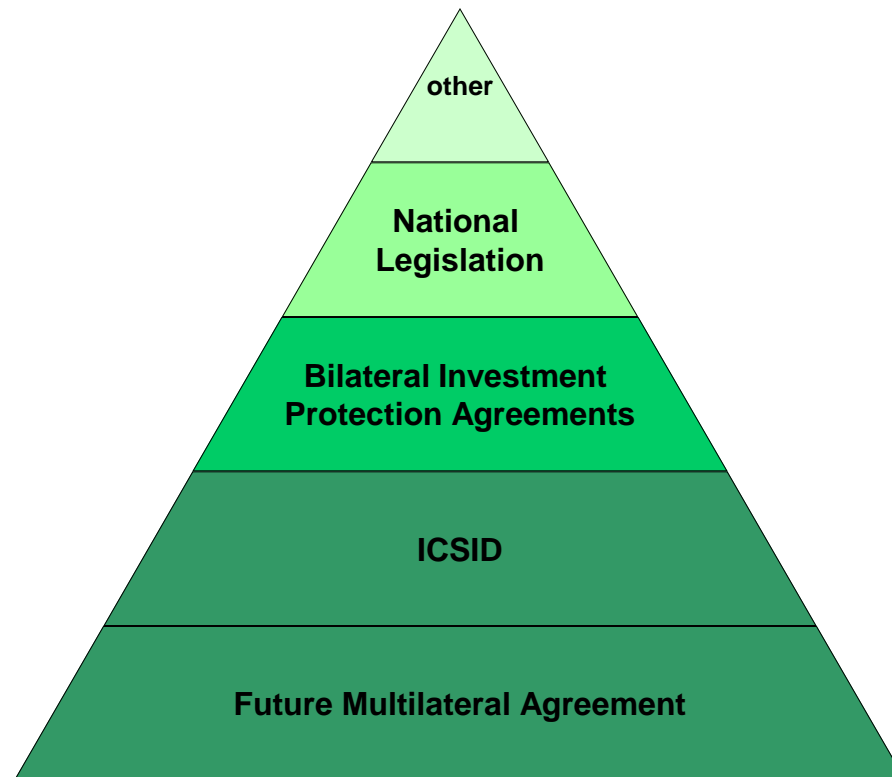
Relevant Aspects of Trade Policy for Migration: Regional



Revisiting Free Trade Agreements

- Adding Migration as a Pillar in FTAs
 - Market Access Regulation
 - Regulation of Circular Migration?
 - Extending GATS mode 4 to Low-Skilled Labour?
 - Educational Component

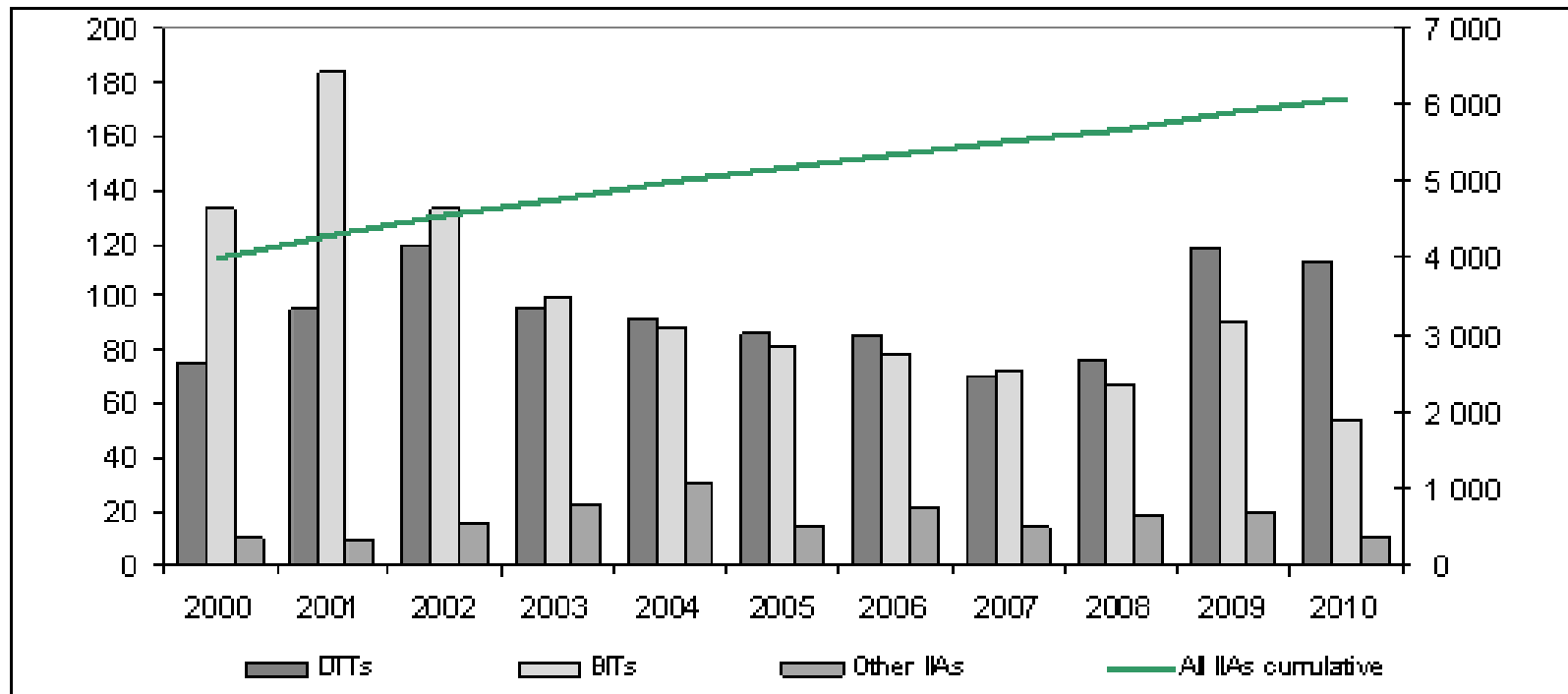
INVESTMENT



Short Introduction to International Investment Regulation

- Highly Fragmented Regulation (mainly National and Bilateral Regulation, some Regional Agreements and no Multilateral Agreement yet)
- Focus on Protection of Investment
- Rethinking the Balance of Rights and Obligations

Number of BITs, DTTs and other IIAs World Wide



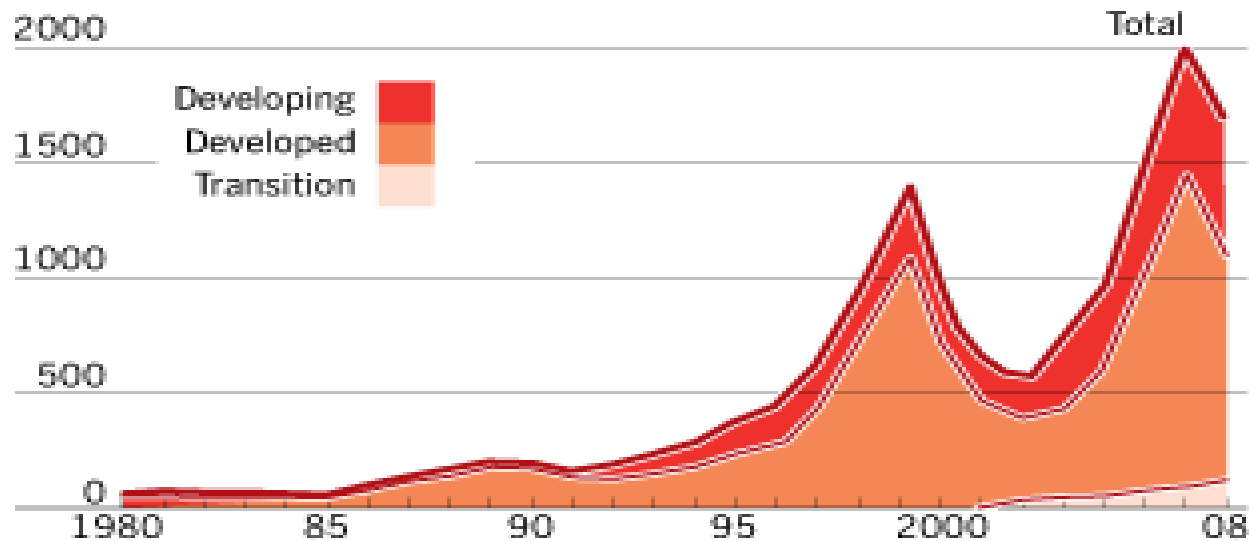
Source: UNCTAD world investment report 2011

<http://www.unctad.org/templates/webflyer.asp?docid=15213&intltemID=1465&lang=1>

Global FDI Inflows by Groups of Economies (\$bn)

Global FDI inflows

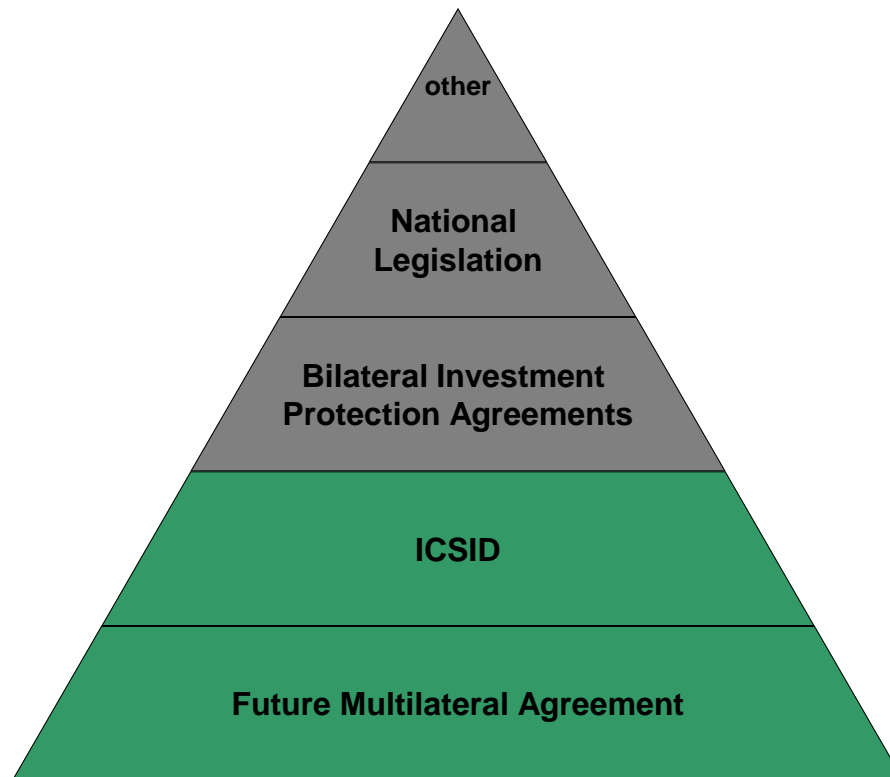
By groups of economies (\$bn)



Source: Unctad

<http://www.ft.com/intl/cms/s/0/6b23fe18-a39f-11de-9fed-00144feabdc0.html#axzz1WiAFnCVq>

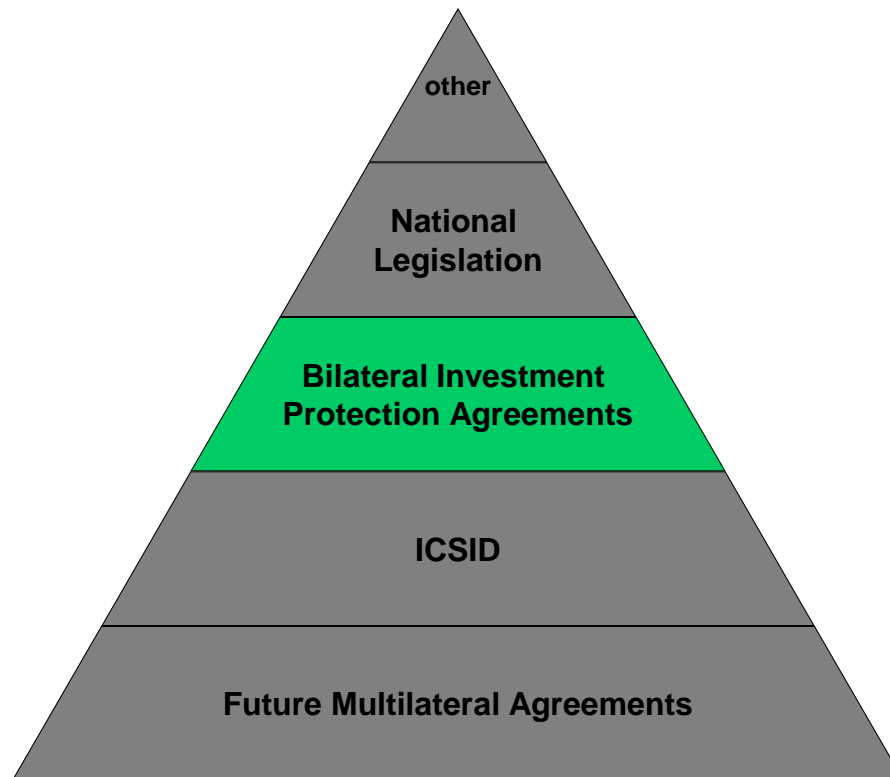
Relevant Aspects of Investment Policy for Migration: Global



Towards Global Standards

- Proper Balance of Rights and Obligations
- Transparency
- Securing Sustainable Investment
- Strengthening of Corporate Social Responsibility
- Limiting Sovereign Wealth Investment
- Binding Labour Standards
- Rule of Law
- Investment Dispute Prevention and Binding, cost-effective Judicial Dispute Settlement

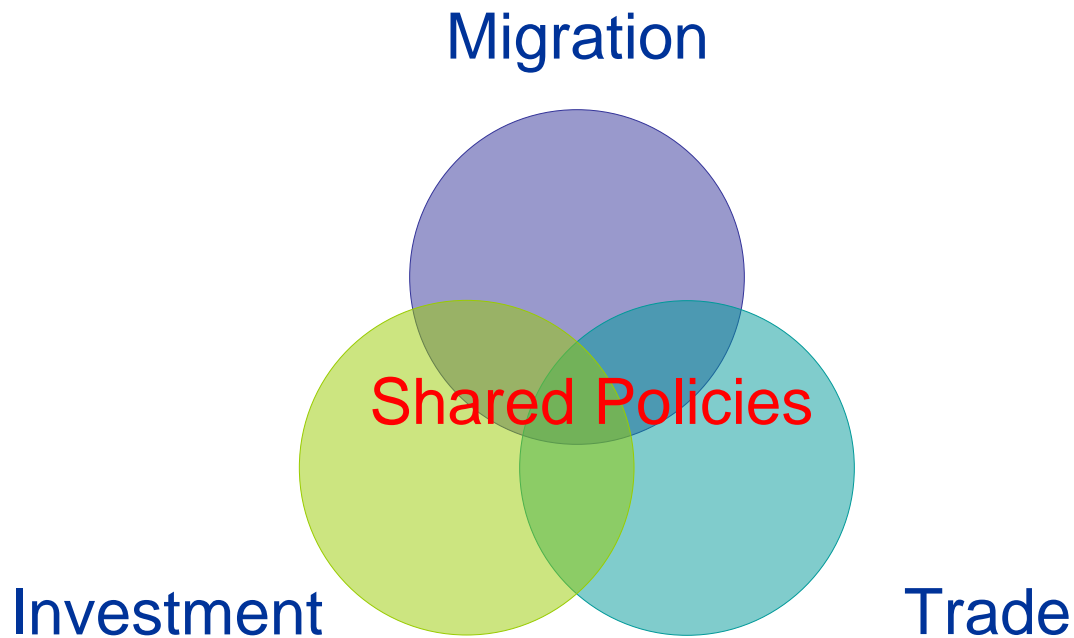
Relevant Aspects of Investment Policy for Migration: Regional



Revisiting Bilateral Investment Protection Agreements

- Adding Migration as a Pillar to BITs
- Preparing for the Global Standards (trial and error)
- Specific Bilateral Commitments in the Field of Education, Knowledge-Transfer

Emerging Coherence



Thank you for your attention!

I wish you an inspiring conference in Bern.

Prof. Thomas Cottier

BIO NOTE

Thomas Cottier, Managing Director of the World Trade Institute and the Institute of European and International Economic Law, is Professor of European and International Economic Law at the University of Bern. He directs the national research programme on trade law and policy (NCCR Trade Regulation: From Fragmentation to Coherence) located at the WTI. He is an associate editor of several journals. He was a visiting professor at the Graduate Institute, Geneva and also currently teaches at the Europa Institut Saarbrücken, Germany and at Wuhan University, China. He was a member of the Swiss National Research Council from 1997 to 2004 and served on the board of the International Plant Genetic Resources Institute (IPGRI) Rome during the same period. He served the Baker & McKenzie law firm as Of Counsel from 1998 to 2005.

Prof. Cottier has a long-standing involvement in GATT/WTO activities. He served on the Swiss negotiating team of the Uruguay Round from 1986 to 1993, first as Chief negotiator on dispute settlement and subsidies for Switzerland and subsequently as Chief negotiator on TRIPs. He held several positions in the Swiss External Economic Affairs Department and was the Deputy-Director General of the Swiss Intellectual Property Office. In addition to his conceptual work in the fields of services and intellectual property and legal counselling, he has also served as a member or chair of several GATT and WTO panels.